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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 2292/2025**

ISLAM NAVI

.....Petitioner

Through: Appearance not given

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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29.08.2025

1. Status Report has been filed today in the Court, which is taken on record. Copy of the same be given to the learned Counsel for the Applicant.
2. Bail Application under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed on behalf of the Applicant-Islam Navi seeking Regular Bail in case FIR No. 0611/2024, under Sections 21/61/85 NDPS Act registered at P.S. Mahendra Park.
3. It is submitted that the first Bail Application under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 filed before the learned ASJ was withdrawn on 05.03.2025 and the second Bail Application preferred before the learned ASJ was withdrawn on 20.04.2025 has been dismissed on 23.04.2025.
4. This is the first Regular Bail Application before this Court. It is submitted that the Applicant is a peace loving and law abiding citizen, who has been wrongly implicated by the Police officials of P.S. Mahendra Park.
5. FIR No. 0611/2024 was registered on the basis of secret information



and allegedly a polythene was recovered from the Applicant, which contained 102.33 gms of heroin/smack. It is asserted that the Applicant was apprehended from a public place, despite which no independent witness has been joined. Furthermore, the quantity recovered is less than the commercial quantity and, therefore, rigors of Section 37 NDPS Act, is not applicable.

6. Reliance has been placed on Sunil vs. State of NCT of Delhi, Bail Application No. 495/2022 decided on 28.07.2022 wherein it was observed that where the recovery of heroin was only 8 gms, falling within the ambit of an intermediate quantity with no previous adverse antecedents against the Applicant, he must be allowed to be released on Bail. Similar observations were made in Rehmatullah @ Arman vs. State of Delhi, Bail Application No. 2866/2022 decided on 24.11.2022. Reliance has also been placed on Narsimman vs. State (Govt. of NCT of Delhi), Bail Application No. 3863/2022 decided on 09.02.2023 wherein it was observed that recovery of 1.730 kg Gaanja is within the intermediate quantity, therefore, the rigors of Section 37 NDPS Act do not apply to the present case.

7. It is submitted that the Applicant has clean antecedents and there is no previous involvement. The Applicant belongs to poor strata of society. There is no likelihood of his absconding or hampering with the investigations or tampering with the evidence. A prayer is, therefore, made that he be granted Bail.

8. The Status Report has been submitted on behalf of the State wherein the details of investigation have been mentioned that co-accused Shahjil Ansari has been declared as Proclaimed Offender. Charge-sheet already stands filed. The charges under Sections 21B/29 NDPS Act has been framed by the learned Trial Court on 21.04.2025 and the trial is ongoing.



9. The allegations against the Applicant are of recovery of 102.33 gms of heroin, which is an intermediate quantity to which Section 37 NDPS Act is not applicable. The Applicant is in judicial custody since 27.11.2024. the Charge-sheet already stands filed and the charges have been framed.

10. Considering the totality of circumstances, the Applicant is granted Regular Bail, on the following terms and conditions:

- a) The Petitioner/Applicant shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The Petitioner/Applicant shall appear before the Court as and when the matter is taken up for hearing;
- c) The Petitioner/Applicant shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The Petitioner/Applicant shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the Petitioner/Applicant changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

11. The copy of this Order be communicated to the concerned Jail Superintendent, as well as to the learned Trial Court for information and compliance.

12. The Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 29, 2025

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